

Appln. No. 10/821,332
Amendment dated May 29, 2007
Reply to Final Office Action mailed March 23, 2007

REMARKS

Reconsideration is respectfully requested.

Entry of the above amendments is courteously requested in order to place all claims in this application in allowable condition and/or to place the non-allowed claims in better condition for consideration on appeal.

Claims 1 through 30, 32 and 34 through 36 remain in this application. Claims 31 and 33 have been cancelled. No claims have been withdrawn. No claims have been added.

The Examiner's rejections will be considered in the order of their occurrence in the Office Action.

Paragraphs 3 and 4 of the Office Action

Claim 32 has been rejected under 35 U.S.C. §112 (second paragraph) as being indefinite.

The above amendments to the claims are believed to clarify the requirements of the rejected claims, especially the particular points identified in the Office Action.

Withdrawal of the §112 rejection of claim 32 is therefore respectfully requested.

Paragraph 6 and 7 1 of the Office Action

Claims 1, 2, 4, 5, 9 through 17, 25, 28 and 29 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Casden in view of Rix.

As previously noted, claim 1 requires "a display adapted to display information represented by the signal". Claim 17 requires "wherein the input device includes a pointing device".

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It the "Response to Arguments" portion of the final Office Action, it is stated that:

On pages 10-12; the applicant basically argued the examiner's 103 rejection rationale/motivation was disagreed by the applicant based on the Casden reference teachings of "simpler", "lower cost" & "economical". The examiner traverses such argument for the following reasons: firstly, [1] the examiner did not rely on such argued teachings; secondly, [2] as can be seen from the Rix reference SUMMARY section of the Rix reference clearly supports the examiner's rationale; and finally, [3] the examiner does not see the connection between the examiner rationale and the applicant's arguments (i.e., what does simpler, lower cost & economical have anything to do with better flexibility and convenience 7). For the above reasons, the examiner maintains the art rejection as follows.

Responsive to point [1] above, it is not surprising that the teaching in the Casden patent of the need for a "simpler", "economical" and "low cost" solution was not relied upon in the rejection, as these goals run contrary to the allegedly obvious combination of Casden and Rix set forth in the rejection. Simply because the rejection does not rely upon a statement of an objective in a primary reference does not mean that one of ordinary skill in the art is not influenced by the statement and simply ignores it—the teaching of the primary reference is what those skilled in the art consider when viewing a reference. If there is any motivation in a secondary reference to make a modification, where the modification conflicts with the objective of the primary reference, it must be established that one of ordinary skill in the art would have good reason to abandon that objective.

Again, it is noted that, in contrast to the suggestion in the rejection of the Office Action, Casden points out that one of the problems that is sought to be solved by the system is the lack of "simpler, lower cost" systems, as set forth at col. 2, lines 29 through 31:

A continuing need exists for simpler, lower cost passive programmers, particularly for use with small or stand alone RFID installations.

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In further contrast to the allegedly obvious combination, the discussion in the Casden patent is directed to providing a "simpler remote control programmer", as stated in Casden at, for example, col. 2, lines 57 through 67 (emphasis added):

This invention addresses the aforementioned need by providing a simpler passive remote programmer for induction type RFID readers. The novel remote programmer is of economical design, requiring only three main components: a keypad, an antenna and a number of commercially available, low cost transponder tags. Each of the transponder tags, when connected to the antenna by actuation of a key on the keypad, communicates with the RFID reader by loading down the magnetic field in the vicinity of the transmitter antenna of the reader in a pattern which the reader interprets and decodes as digital data.

In view of the above, it is submitted that one of ordinary skill in the art, considering the disclosure of the Casden patent, would not be motivated to make the modifications suggested in the rejection by including the selected elements of the Rix, system, as this would be contrary to the desire expressed in the Casden patent to provide a "simpler" and "economical" device.

With respect to point [2] of the "Response to Arguments" portion of the final Office Action, it is noted that nothing in the Rix Summary, or any other portion of the patent, suggests or establishes that the allegedly obvious modification would not be contrary to the objective of the system of Casden. It is submitted that one of ordinary skill in the art would recognize that any attempt to modify the Casden system with the elements of Rix set forth in the rejection would make the Casden system more complicated and thus less "simple", more expensive and thus less "economical" and "low cost".

With respect to point [3], no "connection" between the objectives of the Casden system and the motivation for the allegedly obvious modification was intended. It is submitted that an explicit objective in the primary

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reference cannot simply be ignored because an allegedly obvious modification is said to be based upon some other reasoning. Again, one of ordinary skill in the art is faced with and influenced by the teaching of the primary reference, and simply coming up with another allegedly obvious motivation does not serve to erase the objective of the primary reference from the consciousness of the skilled artisan. It is a well settled tenet of the patent law that the entirety of a reference must be considered when determining the obviousness of a modification, and cannot simply be ignored. It is thus submitted when one considers the entirety of the Casden patent, including the primary objectives of Casden, one would not find the proposed modification of Casden "obvious".

Simply because it may be argued that the allegedly obvious modification would provide "better flexibility and convenience" (neither of which words appears in the Summary of the Rix patent) does not mean that one can ignore the explicit teaching of Casden.

It is therefore submitted that the cited patents, and especially the allegedly obvious combination of Casden and Rix set forth in the rejection of the Office Action, would not lead one skilled in the art to the applicant's invention as required by claims 1, 17 and 30. Further, claims 2, 4, 9 through 13, 15 and 16 which depend from claim 1, claim 5, which depends from claim 4, claim 14, which depends from claim 13, claims 25 and 28, which depend from claim 17, claim 29, which depends from claim 28 and claim 34, which depends from claim 30 also include the requirements discussed above and therefore are also submitted to be in condition for allowance.

Withdrawal of the §103(a) rejection of claims 1, 2, 4, 5, 9 through 17, 25, 28 through 39 and 34 is therefore respectfully requested.

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CONCLUSION

In light of the foregoing amendments and remarks, early reconsideration and allowance of this application are most courteously solicited.

Respectfully submitted,

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